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July 21, 2011

VIA CM/ECF

Magistrate Judge Charles B. Day
United States District Court for the District of Maryland
Greenbelt Division
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *Beyond Systems, Inc. v. World Avenue USA, LLC, et al.*
Case No. PJM 08 cv 0921

Magistrate Judge Day :

Notwithstanding this Court's clear Order at the July 15th hearing that the documents and discovery responses that were the subject of the hearing be produced with "all deliberate speed", we did not receive all the discovery ordered produced. What was produced was not provided until late yesterday and early this morning. As of approximately 11 a.m. yesterday, we had received no materials from BSI, Hypertouch or Joe Wagner and we contacted counsel.

Specifically, we received a series of document downloads and other discovery responses in the middle of the night and continuing until 1:22 a.m. this morning. Moreover, the production and discovery responses did not include the financial discovery, including back up documentation, the un-redacted tax return, DE 687 (World Avenue USA, LLC's Motion to Compel Complete Answers to Interrogatories from James Joseph Wagner Relating to the August Trial), and affidavits that the Court ordered. Additionally, to the extent documents were produced, identification of documents tying them to specific document requests and interrogatories was incomplete despite your Honor's Order. As a result, to the extent we can tell given the late hour of the production, BSI has improperly substituted compliance with your Honor's Order with an opportunity to produce documents that have nothing to do with the categories addressed at the hearing and should have been produced long ago. These are documents BSI has long withheld which we believe they are producing now because they want to use them at trial.

Under the circumstances, while we are proceeding with the deposition as scheduled today, we will be unable to examine this witness at all on the discovery that has been withheld, and unable to effectively question the witness on discovery produced so belatedly. We therefore respectfully request the Court to order the witness to appear for two more hours of deposition on this coming Wednesday, and order BSI produce the remaining documents and answers, and identify what the productions are responsive to, by 5:00 p.m. on Friday.

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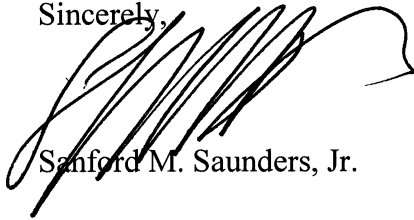
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Please consider this letter our request to file a one page motion for a combined motion to compel and to show cause if the Court deems it necessary. Prior to filing this, we conferred once again in person with counsel for plaintiff, and were unable to secure additional production prior to the deposition or an agreement to produce Mr. Wagner again next week

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Saunders, Jr.", with a large, stylized flourish extending from the end of the signature.

Sanford M. Saunders, Jr.